

**IN UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHAD HOGAN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:05-cv-687-WKW
)	
)	
CITY OF MONTGOMERY, et al.,)	
)	
Defendants.)	

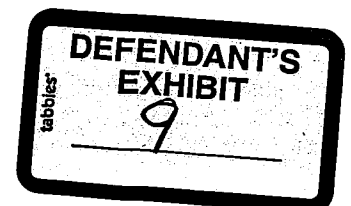
AFFIDAVIT OF J. C. WEST

Before me, the undersigned authority, personally appeared J. C. West, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is J. C. West. I am over nineteen years of age. I was previously employed with the City of Montgomery as a Major and Division Commander of the Detective Division for the Montgomery Police Department. It is in that capacity that I state the following:

During my employment as Division Commander for the Detective Division of the Montgomery Police Department, I routinely would review with my staff each morning the daily activity report of the crimes, arrests and other incidents that occurred on the prior day.

On Thursday morning, March 31, 2005, while reviewing the daily activity report, I asked Lt. Randy Jones to find out, given all the circumstances set out in the report, why only one person was charged with burglary and not the others that were taken into custody after the pursuit. On Friday morning, April 1, 2005, I met with Kirk Pelham to discuss my concerns regarding the burglary arrest of March 31, 2005. It was also at that

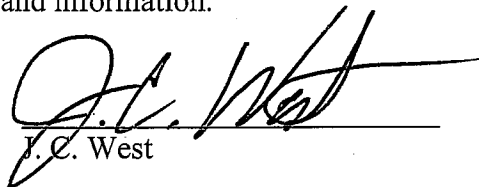


time that Pelham advised me of his concerns with the truthfulness of statements made by officers and the number of the statements written by the K-9 officer. Pelham said he didn't feel comfortable with the arrest. I then took Detective Pelham to Internal Affairs and notified the Chief of Police.

I was not present at the time Chad Hogan was arrested nor have I ever talked to Chad Hogan. However, the records of the Montgomery Police Department reflect that Anthony Arnaud signed an affidavit for burglary third degree against Chad Hogan. The witnesses on the affidavit are listed as Anthony Arnaud, Officer M. D. Gordon and Detective L.K. Pelham. A complaint was also signed by Anthony M. Arnaud and a warrant issued for the arrest of Chad Hogan by the Magistrate for Burglary Third Degree on March 31, 2005.


There is no policy or custom of the Montgomery Police Department of charging a person with a crime to evade liability for any wrongful or negligent conduct on the part of the police officers. I am unaware of any finding that any of the officers that Pelham complained of acted wrongfully, negligently or inappropriately.

I have read the above and foregoing affidavit consisting of two (2) pages and state that it is true and correct to my present knowledge and information.


J. C. West

SWORN TO AND SUBSCRIBED before me this 14th day of July, 2006.

(SEAL)


Notary Public
My commission expires 2/20/2007